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TREATY

BETWEEN

HIS BRITANNICK MAJESTY

AND THE

KING OF THE NETHERLANDS,

RESPECTING

TERRITORY AND COMMERCE

IN THE

EAST INDIES.

Signed at London, March 17, 1824.

Presented to both Houses of Parliament by Command of His Majesty,
1824.

LONDON:

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Treaty between His Britannick Majesty and The King of the Netherlands, respecting Territory and Commerce in the East Indies.

Signed at London, March 17, 1824.

In the Name of the Most Holy and Undivided Trinity.

HIS Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Netherlands, desiring to place upon a footing, mutually beneficial, Their respective Possessions and the Commerce of Their Subjects in the East Indies, so that the welfare and prosperity of both Nations may be promoted, in all time to come, without those differences and jealousies which have, in former times, interrupted the harmony which ought always to subsist between Them; and being anxious that all occasions of misunderstanding between Their respective Agents may be, as much as possible, prevented; and in order to determine certain questions which have occurred in the execution of the Convention made at London on the 13th of August 1814, in so far as it respects the Possessions of His Netherland Majesty in the East, have nominated Their Plenipotentiaries, that is to say :—

His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable George Canning, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and His said Majesty's Principal Secretary of State for Foreign Affairs;—And the Right Honourable Charles Watkin Williams Wynn, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, Lieu-

In den Naam der allerheiligste en onverdeelbare Drieeenigheid.

ZŸNE Majesteit de Koning van het Vereenigde Koningrŷk van Groot Britanje en Ierland, en Zŷne Majesteit de Koning der Nederlanden, verlangende hunne respectieve bezittingen en den handel Hunner onderdanen in Oost Indië op eenen wederkeerig voordeeligen voet te brengen, zoo dat de welvaart en voorspoed der beide Natien voortaan ten allen tŷde bevorderd kunnen worden zonder die oneenigheden en naŷver welke, in vroeger dagen, de goede verstandhouding gestoord hebben die steeds tusschen dezelve behoort te bestaan, en willende, zoo veel mogelŷk, alle aanleiding tot misverstand tusschen Hunne respectieve Agenten vóórkomen, als mede, ten einde zekere punten van verschil te regelen welke zich hebben opgedaan bŷ het ter uitvoer leggen van de Conventie den 13de Augustus 1814, te London gesloten, voor zoo ver dezelve betrekking heeft tot de bezittingen van Zŷne Majesteit den Koning der Nederlanden in Oost Indië, hebben tot Gevolmagtigden benoemd, te weten :—

Zŷne Majesteit de Koning van Groot Britanje, den Heer George Canning, Lid van Zŷner Majesteits Geheimen Raad, en van het Parlement, mitsgaders Hoogstdeszelfs eersten Secretaris van Staat voor de Buitenlandsche Zaken; en den Heer Charles Watkin Williams Wynn, Lid van Zŷner Majesteits Geheimen Raad, en van het Parlement, Lieutenant-Kolonel Kommanderende het Regiment Vrywilligers te paard van het

tenant-Colonel Commandant of the Montgomeryshire Regiment of Yeomanry Cavalry, and President of His said Majesty's Board of Commissioners for the Affairs of India :—

And His Majesty The King of the Netherlands, Baron Henry Fagel, Member of the Equestrian Corps of the Province of Holland, Counsellor of State, Knight Grand Cross of the Royal Order of the Belgic Lion, and of the Royal Guelphic Order, and Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty The King of Great Britain; —And Anton Reinhard Falck, Commander of the Royal Order of the Belgic Lion, and His said Majesty's Minister of the Department of Public Instruction, National Industry, and Colonies :—

Who, after having mutually communicated their Full Powers, found in good and due form, have agreed on the following Articles.

ARTICLE I.

The High Contracting Parties engage to admit the Subjects of each other to trade with Their respective Possessions in the Eastern Archipelago, and on the Continent of India, and in Ceylon, upon the footing of the most favoured Nation; Their respective Subjects conforming themselves to the local Regulations of each Settlement.

ARTICLE II.

The Subjects and Vessels of one Nation shall not pay, upon importation or exportation, at the Ports of the other in the Eastern Seas, any duty at a rate beyond the double of that at which the Subjects and Vessels of the Nation to which the Port belongs, are charged.

The duties paid on exports or imports at a British Port, on the Continent of India, or in Ceylon, on Dutch bottoms, shall be arranged so as, in no case, to be charged at more than

Graafschap Montgomery, mitsgaders President van het Kollegie van Kommissarissen voor de Indische Zaken :—

En Zÿne Majesteit de Koning der Nederlanden, den Baron Hendrik Fagel, Lid der Ridderschap van de Provincie Holland, Staatsraad, Groot-Kruis der Koninglÿke Orden van den Nederlandschen Leeuw, en der Guelfen, mitsgaders Hoogstdeszelfs Extraordinaris Ambassadeur en Plenipotentiaris aan het Hof van London;— En den Heer Anton Reinhard Falck, Kommandeur der Koninglÿke Orden van den Nederlandschen Leeuw, en Minister voor het Publieke onderwÿs, de Nationale Nÿverheid, en de Kolonien :—

De welke, na wederzÿdsche mededeeling van hunne volmagten die in goeden en behoorlÿken vorm bevonden zÿn, de volgende Artikelen hebben vastgesteld.

ARTIKEL I.

De Hooge Contracterende Partÿen verbinden zich om in hunne respectieve bezittingen in den Oosterschen Archipel, en op het vaste land van Indië, en op Ceylon, elkanders onderdanen ten handel toetelaten op den voet der meest begunstigde Natie; wel verstaande dat de wederzÿdsche onderdanen zich zullen gedragen overeenkomstig de plaatzelyke verordeningen van elke bezitting.

ARTIKEL II.

De onderdanen en schepen van de eene Natie zullen, bÿ den in-en uitvoer in en van de havens der andere in de Oostersche Zeëen, geene regten betalen hooger dan ten bedrage van het dubbelde van die, waarmede de onderdanen en schepen der Natie aan welke de haven toebehoort, belast zÿn.

De regten voor den in-of uitvoer met Nederlandsche bodems, in eene Britsche haven, op het vaste land van Indië, of op Ceylon, betaald wordende zullen in dezer voege worden gewÿzigd,

double the amount of the duties paid by British Subjects, and on British bottoms.

In regard to any article upon which no duty is imposed, when imported or exported by the Subjects, or on the Vessels, of the Nation to which the Port belongs, the duty charged upon the Subjects or Vessels of the other, shall, in no case, exceed six per cent.

dat deswege, in geen geval, meer berekend worde dan het dubbelde der regten door Britsche onderdanen, en voor Britsche bodems, te betalen.

Met betrekking tot die artikelen op welke geen regt gesteld is, wanneer zÿ worden in-of uitgevoerd door de onderdanen of in de schepen der Natie aan welke de haven toebehoort zullen de regten aan de onderdanen der andere opteleggen, in geen geval, meer bedragen dan zes ten honderd.

ARTICLE III.

The High Contracting Parties engage, that no Treaty hereafter made by Either, with any Native Power in the Eastern Seas, shall contain any Article tending, either expressly, or by the imposition of unequal duties, to exclude the Trade of the other Party from the Ports of such Native Power: and that if, in any Treaty now existing on either Part, any Article to that effect has been admitted, such Article shall be abrogated upon the conclusion of the present Treaty.

ARTIKEL III.

De Hooge Contracterende Partÿen beloven dat geen Tractaat, voortaan door een derzelve met eenigen Staat in de Oostersche Zeëen te maken, eenig Artikel behelsen zal, strekkende, het zÿ regstreeks, het zÿ door oplegging, van ongelÿke regten, om den koophandel der andere Partÿ van de havens van zoodanigen inlandschen Staat uittesluiten, en dat, by aldien in eene der thans aan wêerskanten bestaande overeenkomsten, eenig Artikel met die bedoeling is opgenomen geworden, zoodanig Artikel, bÿ het sluiten des tegenwoordigen tractaats, buiten effect gesteld worden zal.

It is understood that, before the conclusion of the present Treaty, communication has been made by each of the Contracting Parties to the other, of all Treaties or Engagements subsisting between Each of Them, respectively, and any Native Power in the Eastern Seas; and that the like communication shall be made of all such Treaties concluded by Them, respectively, hereafter.

Over en weder is verstaan dat, vóór het sluiten van dit Tractaat, door elke der Contracterende Partÿen aan de andere mededeeling is gedaan van alle tractaten of verbindtenissen tusschen dezelve respectievelÿk en eenige Inlandsche Regering in de Oostersche Zeëen bestaande, en dat gelÿke mededeeling geschieden zal van al zoodanige verbindtenissen, in het vervolg, door dezelve respectievelÿk aantegaan.

ARTICLE IV.

Their Britannick and Netherland Majesties engage to give strict Orders, as well to Their Civil and Military Authorities, as to Their Ships of War, to respect the freedom of Trade, established by Articles I. II. and III.; and, in no case, to impede a free communication of the Natives in the Eastern Archipelago, with the Ports of the Two Governments, respectively,

ARTIKEL IV.

Hunne Groot Britannische en Nederlandsche Majesteiten beloven stellige bevelen te geven, zoo wel aan hunne burgerlÿke en militaire bëambten, als aan hunne oorlogschepen, om de vrÿheid van handel, by Art. I. II. en III. vastgesteld, te eerbiedigen en, in geen geval, hinder toetebrengen aan de gemeenschap der inboorlingen van den Oostersche Archipel met de havens

or of the Subjects of the Two Governments with the Ports belonging to Native Powers.

der twee Gouvernementen respectievelÿk, noch aan die der wederzÿdsche onderdanen met de havens toebehorende aan inlandsche Regeringen.

ARTICLE V.

Their Britannick and Netherland Majesties, in like manner, engage to concur effectually in repressing Piracy in those Seas: They will not grant either asylum or protection to Vessels engaged in Piracy, and They will, in no case, permit the Ships or Merchandize captured by such Vessels, to be introduced, deposited, or sold, in any of their Possessions.

ARTIKEL V.

Hunne Groot Britannische en Nederlandsche Majesteiten verbinden zich, in gelyker voege, om krachtdadig bÿtedragen tot het beteugelen der zeeroverÿ in die Zeëen. Zÿ zullen geene schuilplaats of bescherming verleenen aan vaartuigen met welken Zeeroof bedreven wordt, en zullen in geen geval, veroorloven dat schepen of goederen, door zulke vaartuigen buit gemaakt, in eenige van hunne bezittingen ingevoerd, bewaard, of verkocht worden.

ARTICLE VI.

It is agreed that Orders shall be given by the Two Governments to Their Officers and Agents in the East, not to form any new Settlement on any of the Islands in the Eastern Seas, without previous Authority from their respective Governments in Europe.

ARTIKEL VI.

Er is overeengekomen dat door beide Gouvernementen aan Hunne Officieren en Agenten in Oost Indië bevel zal worden gegeven om geen nieuw kantoor op een der Oostersche Eilanden opterigten, zonder voorafgaande magtiging van hunne respectieve Gouvernementen in Europa.

ARTICLE VII.

The Molucca Islands, and especially Amboyna, Banda, Ternate, and their immediate Dependencies, are excepted from the operation of the I. II. III. and IV. Articles, until the Netherland Government shall think fit to abandon the monopoly of Spices; but if the said Government shall, at any time previous to such abandonment of the monopoly, allow the Subjects of any Power, other than a Native Asiatic Power, to carry on any Commercial Intercourse with the said Islands, the Subjects of His Britannick Majesty shall be admitted to such Intercourse, upon a footing precisely similar.

ARTIKEL VII.

Van de toepassing der Artikelen I. II. III. en IV. worden de Molukksche Eilanden, en speciaal Ambon, Banda, en Ternate, met derzelver onmiddelÿke onderhoorigheden, uitgezonderd, tot tÿd en wÿle het Nederlandsch Gouvernement raadzaam oordeelen zal van den alleenhandel in Specerÿen aftezien; maar zoo dit Gouvernement immer, vóór zoodanige afschaffing van den alleenhandel, aan de onderdanen van eenige Mogendheid, anders dan een inlandschen Aziatischen Staat, veroorlooven mogt eenig handelsverkeer met die Eilanden te onderhouden, zullen de onderdanen van Zÿne Britsche Majesteit op een volstrekt gelÿken voet tot zoodanig verkeer worden toegelaten.

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ARTICLE VIII.

His Netherland Majesty cedes to His Britannick Majesty all His Establishments on the Continent of India; and renounces all privileges and exemptions enjoyed or claimed in virtue of those Establishments.

ARTIKEL VIII.

Zÿne Majesteit de Koning der Nederlanden staat aan Zÿne Groot Britannische Majesteit af, alle Zÿne Etablissementen op het vaste land van Indië, en ziet van alle voorregten en vrÿstellingen af, welke, ter zake van deze etablissementen, genoten, of gereclameerd geworden zÿn.

ARTICLE IX.

The Factory of Fort Marlborough, and all the English Possessions on the Island of Sumatra, are hereby ceded to His Netherland Majesty: and His Britannick Majesty further engages that no British Settlement shall be formed on that Island, nor any Treaty concluded by British Authority, with any Native Prince, Chief, or State therein.

ARTIKEL IX.

De Factory van Fort Marlborough, en al de bezittingen van Groot Britanje op het Eiland Sumatra, worden by dezen afgestaan aan Zÿne Majesteit den Koning der Nederlanden, en Zÿne Groot Britannische Majesteit beloofd, dat op dat Eiland geen Britsch kantoor zal worden opgerigt, noch eenig Tractaat onder Britsch gezag gesloten met eenigen der inlandsche vorsten, opperhoofden, of staten op hetzelve gevestigd.

ARTICLE X.

The Town and Fort of Malacca, and its Dependencies, are hereby ceded to His Britannick Majesty; and His Netherland Majesty engages, for Himself and His Subjects, never to form any Establishment on any part of the Peninsula of Malacca, or to conclude any Treaty with any Native Prince, Chief, or State therein.

ARTIKEL X.

De stad en vesting van Malakka met derzelver onderhoorigheden worden by dezen afgestaan aan Zÿne Groot Britannische Majesteit, en Zÿne Majesteit de Koning der Nederlanden belooft, voor zich en voor Zÿne onderdanen, nimmer op eenig gedeelte van het Schiereiland van Malakka een kantoor te zullen oprigten, of Tractaten te zullen sluiten met eenigen der inlandsche vorsten, of staten, op dat Schiereiland gevestigd.

ARTICLE XI.

His Britannick Majesty withdraws the objections which have been made to the occupation of the Island of Billiton and its Dependencies, by the Agents of the Netherland Government.

ARTIKEL XI.

Zÿne Groot Britannische Majesteit ziet af van alle vertoogen tegen het bezetten van het Eiland Billiton en deszelfs onderhoorigheden door de Agenten van het Nederlandsch Gouvernement.

ARTICLE XII.

His Netherland Majesty withdraws the objections which have been made

ARTIKEL XII.

Zÿne Majesteit de Koning der Nederlanden ziet af van alle vertoo-

to the occupation of the Island of Singapore, by the Subjects of His Britannick Majesty.

His Britannick Majesty, however, engages, that no British Establishment shall be made on the Carimon Isles, or on the Islands of Battam, Bintang, Lingin, or on any of the other Islands South of the Straights of Singapore, nor any Treaty concluded by British Authority with the Chiefs of those Islands.

gen tegen het bezetten van het Eiland Sinkapoer door de onderdanen van Zÿne Groot Britannische Majesteit.

Daarentegen belooft Zÿne Groot Britannische Majesteit dat geen Britsch kantoor zal worden opgerigt op de Carimons Eilanden, of op de Eilanden Battam, Bintang, Lingin, of op eenig der anderen Eilanden liggende ten zuiden van straat Sinkapoer, en dat met derzelver opperhoofden geene Tractaten onder Britsch gezag gesloten zullen worden.

ARTICLE XIII.

All the Colonies, Possessions, and Establishments which are ceded by the preceding Articles, shall be delivered up to the Officers of the respective Sovereigns on the 1st of March 1825. The Fortifications shall remain in the state in which they shall be at the period of the notification of this Treaty in India; but no claim shall be made, on either side, for ordnance, or stores of any description, either left or removed by the ceding Power, nor for any arrears of revenue, or any charge of administration whatever.

ARTIKEL XIII.

Al de Kolonien, bezittingen, en etablissementen, die, bÿ de vorenstaande Artikelen worden afgestaan, zullen aan de officieren der respectieve Souvereinen overgegeven worden op den 1sten. Maart 1825. De Vestingen zullen blÿven in den toestand in welke zÿ zich zullen bevinden ten tÿde van het bekend worden des tegenwoordigen Tractaats in Indië, doch geene vordering zal, noch aan de eene noch aan de andere zÿde, geschieden, ter zake, het zÿ van geschut of behoeften van eenigen aard, door de afstaande Mogendheid of achtergelaten of medegenomen, het zÿ van achterstallige inkomsten, of van lasten van het bestuur, hoe ook genaamd.

ARTICLE XIV.

All the Inhabitants of the Territories hereby ceded, shall enjoy, for a period of Six Years from the date of the Ratification of the present Treaty, the liberty of disposing, as they please, of their property, and of transporting themselves, without let or hindrance, to any Country to which they may wish to remove.

ARTIKEL XIV.

Al de ingezetenen van de landen by dezen afgestaan, zullen, gedurende den tÿd van zes jaren, te rekenen van de Ratificatie van het tegenwoordig Tractaat, de vrÿheid hebben om, naar welgevallen, over hun eigendom te beschikken, en zich, zonder hinder of belet, te begeven werwaarts zÿ zullen goedvinden.

ARTICLE XV.

The High Contracting Parties agree that none of the Territories or Establishments mentioned in Articles VIII. IX. X. XI. and XII. shall be, at any time, transferred to any other Power. In case of any of the said Possessions

ARTIKEL XV.

De Hooge Contracterende Partÿen komen overeen, dat geen der landen of etablissementen by Artikelen VIII. IX. X. XI. en XII. vermeld, immer aan eenige andere Mogendheid zal mogen overgedragen worden. In

being abandoned by one of the present Contracting Parties, the right of occupation thereof shall immediately pass to the other.

geval dat eenige dier bezittingen door eene der thans Contracterende Partyen verlaten wordt, zullen hare regten tot dezelve onmiddelyk op de andere Party overgaan.

ARTICLE XVI.

It is agreed that all accounts and reclamations, arising out of the restoration of Java, and other Possessions, to the Officers of His Netherland Majesty in the East Indies,—as well those which were the subject of a Convention made at Java on the 24th of June 1817, between the Commissioners of the Two Nations, as all others, shall be finally and completely closed and satisfied, on the payment of the sum of one hundred thousand pounds, sterling money, to be made in London on the part of the Netherlands, before the expiration of the Year 1825.

ARTIKEL XVI.

Er is overeengekomen dat alle rekeningen of vorderingen voortgesproten uit de teruggave van Java en andere etablissementen aan de Officieren van Zyne Majesteit den Koning der Nederlanden in Oost Indië, zoo wel die welke het onderwerp hebben uitgemaakt eener Conventie op Java, den 24sten Juni 1817, tusschen de Kommissarissen der beide Natien gesloten, als alle andere hoe ook genaamd, finaal, en ten volle afgedaan zullen zyn, behoudens de betaling eener som van Honderd Duizend Ponden Sterling van den kant der Nederlanden, te bewerkstelligen in London vóór het einde van het Jaar 1825.

ARTICLE XVII.

The present Treaty shall be ratified, and the Ratifications exchanged at London, within Three Months from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and affixed thereunto the Seals of their Arms.

Done at London, the seventeenth day of March, in the Year of Our Lord one thousand eight hundred and twenty-four.

(L.S.) George Canning.
(L.S.) Charles Watkin Williams Wynn.

ARTIKEL XVII.

Het tegenwoordige Tractaat zal worden geratificeerd, en de Ratificatien zullen worden uitgewisseld te London binnen drie maanden na dato dezes, of eerder indien mogelyk.

Ten oorkonden dezes hebben de respectieve Plenipotentiarissen deze getekend en met het zegel hunner wapenen bekrachtigd.

Aldus gedaan te London den zeventienden Maart, in het jaar onzes Heeren een duizend acht honderd en vier en twintig.

(L.S.) H. Fagel.
(L.S.) A. R. Falck.

Note addressed by the British Plenipotentiaries to the Plenipotentiaries of the Netherlands.

IN proceeding to the signature of the Treaty which has been agreed upon, the Plenipotentiaries of His Britannick Majesty have great satisfaction in recording their sense of the friendly and liberal spirit which has been evinced by Their Excellencies the Plenipotentiaries of His Netherland Majesty; and their conviction that there is, on both sides, an equal disposition to carry into effect, with sincerity and good faith, the Stipulations of the Treaty, in the sense in which they have been negotiated.

The differences which gave rise to the present discussion, are such as it is difficult to adjust by formal Stipulation: consisting, in great part, of jealousies and suspicions, and arising out of the acts of subordinate Agents, they can only be removed by a frank declaration of intention, and a mutual understanding as to principles between the Governments themselves.

The disavowal of the proceedings whereby the execution of the Convention, of August 1814, was retarded, must have satisfied Their Excellencies the Netherland Plenipotentiaries, of the scrupulous regard with which England always fulfils her engagements.

The British Plenipotentiaries record, with sincere pleasure, the solemn disavowal, on the part of the Netherland Government, of any design to aim, either at political supremacy, or at commercial monopoly, in the Eastern Archipelago. They willingly acknowledge the readiness with which the Netherland Plenipotentiaries have entered into Stipulations, calculated to promote the most perfect freedom of Trade between the Subjects of the Two Crowns, and their respective Dependencies, in that part of the World.

The Undersigned are authorized to express the full concurrence of His Britannick Majesty, in the enlightened views of His Majesty The King of the Netherlands.

Aware of the difficulty of adapting, at once, to a long established system of monopoly, the principles of commercial policy which are now laid down, the Undersigned have been authorized to consent to the exception of the Molucca Islands from the general Stipulation for freedom of Trade, contained in the Treaty. They trust, however, that, as the necessity for this exception is occasioned solely by the difficulty of abrogating, at the present moment, the monopoly of Spices, its operation will be strictly limited by that necessity.

The British Plenipotentiaries understand the term *Moluccas*, as applicable to that cluster of Islands, which has Celebes to the Westward, New Guinea to the Eastward, and Timor to the Southward; but that these three Islands are not comprehended in the exception: nor would it have included Ceram, if the situation of that Island, in reference to the two principal Spice Isles, Amboyna and Banda, had not required a prohibition of intercourse with it, so long as the monopoly of Spices shall be maintained.

The Territorial exchanges which have been thought expedient for avoiding a collision of interests, render it incumbent upon the Plenipotentiaries of His Britannick Majesty to make, and to require, some explanations with respect to the Dependents and Allies of England, in the Island from which She is about to withdraw.

A Treaty concluded in the Year 1819, by British Agents, with The King of Acheen, is incompatible with the 3d Article of the present Treaty. The British Plenipotentiaries therefore undertake, that the Treaty with Acheen shall, as soon as possible, be modified into a simple Arrangement for the hospitable reception of British Vessels and Subjects in the Port of Acheen. But as some of the provisions of that Treaty, (which has been communicated to the Netherland Plenipotentiaries) will be conducive to the general interests of Europeans established in the Eastern Seas, they trust that the Netherland Government will take measures for securing the benefit of those Provisions.

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And they express their confidence, that no measures, hostile to The King of Acheen, will be adopted by the new Possessor of Fort Marlborough.

It is no less the duty of the British Plenipotentiaries to recommend to the friendly and paternal protection of the Netherland Government, the interests of the Natives and Settlers, subject to the ancient Factory of England at Bencoolen.

This appeal is the more necessary, because, so lately as the Year 1818, Treaties were made with the Native Chiefs, by which their situation was much improved. The system of forced cultivation and delivery of Pepper was abolished; encouragement was given to the cultivation of Rice; the relations between the cultivating Classes and the Chiefs of the Districts were adjusted; the property in the soil was recognized in those Chiefs; and all interference in the detailed management of the Interior was withdrawn, by removing the European Residents from the Out-Stations, and substituting in their room Native Officers. All these measures were calculated greatly to promote the interests of the Native Inhabitants.

In recommending these interests to the care of the Netherland Government, the Undersigned request the Plenipotentiaries of His Netherland Majesty to assure their Government, that a corresponding attention will be paid, on the part of the British Authorities, to the Inhabitants of Malacca, and the other Netherland Settlements which are transferred to Great Britain.

In conclusion, the Plenipotentiaries of His Britannick Majesty congratulate Their Excellencies the Netherland Plenipotentiaries, upon the happy termination of their Conferences. They feel assured, that, under the Arrangement which is now concluded, the Commerce of both Nations will flourish, and that the Two Allies will preserve inviolate in Asia, no less than in Europe, the friendship which has, from old times, subsisted between them. The disputes being now ended, which, during two centuries, have occasionally produced irritation, there will henceforward be no rivalry between the English and the Dutch Nations in the East, except for the more effectual establishment of those principles of liberal policy which both have this day asserted in the face of the World.

The Undersigned request Their Excellencies the Plenipotentiaries of His Netherland Majesty, will accept the assurances of their distinguished consideration.

(Signed) George Canning.
Charles Watkin Williams Wynn.

London, March 17, 1824.

Reply of the Netherland Plenipotentiaries to the Note of the Plenipotentiaries of Great Britain.

LES Soussignés, Plénipotentiaires de Sa Majesté Le Roi des Pays-Bas, ont trouvé, dans la Note qui vient de leur etre remise par Leurs Excellences Messieurs les Plénipotentiaires Britanniques, un résumé fidèle des communications, qui avaient eu lieu à l'epoque où des circonstances, indépendantes de la volonté des négociateurs, amenèrent la suspension de leurs conférences.

Appellés à reprendre un travail dont l'achèvement a toujours été désiré de part et d'autre avec une égale sincérité, les Soussignés n'ont pas tardé à réconnaitre dans leurs Collaborateurs, cet esprit d'équité et de conciliation, qui facilite l'arrangement des questions les plus compliquées, et auquel ils ne peuvent rendre hommage dans un moment plus opportun que celui, qui va sanctionner, par la signature d'un Traité formel, les dispositions adoptées après le plus mûr examen, comme éminemment utiles pour le maintien de la bonne intelligence, même entre les Agens inférieurs des Puissances Contractantes.

Ce but essentiel, cette tendance principale du Traité, sont palpables pour tous ceux qui en lisent avec attention les différens Articles. Ce qui s'y trouve expressément stipulé, semble devoir suffire pour lever, d'un commun accord, toute incertitude, qui pourrait se présenter par la suite. Cependant, comme Messieurs les Plénipotentiaires Britanniques ont cru devoir entrer dans quelques détails ultérieurs, les Soussignés, qui, de leur côté, sentent l'importance de ne rien donner au hasard, dans une matière aussi intéressante, ne font aucune difficulté de les suivre dans ces détails, et de completter, par le dévéloppement succinct de leur manière de voir, la réponse, due par eux, à la susdite Note de Leurs Excellences.

L'Article VII. renferme une exception au principe général de la liberté du Commerce. La nécessité de cette exception, déjà admise par l'Angleterre dans les conférences de 1820, répose sur l'existence du système rélatif au Commerce exclusif des épiceries. Si les déliberations du Gouvernement des Pays-Bas conduisent à l'abandon de ce systême, aussitôt le Commerce libre reprend ses droits, et tout cet Archipel, qui a été fort justement décrit comme compris entre *Celebes*, *Timor*, et *la Nouvelle Guinée*, est ouvert à toutes les spéculations légitimes, sur le pied à établir par les ordonnances locales, et, pour ce qui concerne en particulier les sujets de Sa Majesté Britannique, conformément aux bases consacrées par le Traité pour toutes les possessions Asiatiques des deux Parties Contractantes.

Par contre, aussi long-tems que l'exception, dont il s'agit, reste en vigueur, les navires qui traversent les Moluques, doivent s'abstenir de relâcher, dans d'autres Ports que ceux dont la désignation a été officiellement communiquée aux Puissances maritimes il y a quelques annees ; sauf les cas de détresse pour lesquels il est superflu d'ajouter, qu'ils trouveront, dans tous les endroits où flotte le Pavillon des Pays-Bas, les services et les sécours dûs à l'humanité souffrante.

Si le Gouvernement de la Grande Bretagne pense qu'il y a un avantage réel pour lui à ce qu'en se dégageant, d'aprés les principes consacrés par le Traité qui va être signé, des liaisons que ses Agens formèrent, il y a quatre où cinq ans, dans le Royaume d'*Acheen*, il assure, par quelque stipulation nouvelle, l'accueil hospitalier des Sujets et Vaisseaux Britanniques dans les Ports de ce Royaume,— les Soussignés n'hésitent pas à déclarer que, de leur côté, ils n'y voyent aucun inconvénient ; et ils croyent pouvoir assurer, en même tems, que leur Gouvernement s'appliquera, sans délai, à régulariser ses rapports avec *Acheen*, de manière que cet Etat, sans rien perdre de son indépendance, offre au Navigateur et au Commerçant cette constante sécurité, qui semble ne pouvoir y être établie, que par l'exercice modéré d'une influence Européenne.

A l'appui des informations contenues dans la dernière Note de Messieurs les Plénipotentiaires Britanniques, au sujet de *Bencoo'en*, Leurs Excellences ont communiqué aux Soussignés les deux Conventions respectivement signées le 23 Mai et le 4 Juillet de 1818, d'un côté par le Lieutenant-Gouverneur de cet établissement, et de l'autre par les Chefs de quelques tribus voisines. On leur a aussi fait part d'une depêche du Gouverneur-Général en Conseil, datée de *Fort William* le 9 Mai 1823, et d'aprés laquelle l'administration Britannique a aboli au Fort Marlborough le monopole du poivre, encouragé la culture du riz, et placé sur un pied stable et uniforme, les rapports des différentes classes de Natifs, tant entre elles, qu'avec leur chefs. Or, pour autant que les Soussignés ne se trompent point en supposant, que le but de ces arrangemens a été d'assurer la prospérité agricole de la Colonie, et d'écarter les vexations qui résultent souvent du contact immédiat de la population indigène avec les autorités subalternes d'une administration étrangère, ils éprouvent une grande satisfaction à dire, que loin d'avoir à rédouter des mésures rétroactives, les individus intéressés à l'ordre actuel des choses peuvent, au contraire, nourrir l'espoir, que le nouveau Gouvernement aura égard à leurs droits acquis, et

à leur bien être ; et, ce que les Soussignés aiment surtout à garantir, il fera observer les Articles des Conventions déjà mentionnées, sur la foi desquels les habitans de *Pasummah*, *Ulu Manna*, et d'autres peuplades de l'intérieur ont réconnu l'autorité, ou accepté la protection de la Compagnie des Indes Britanniques, sauf toutefois la faculté d'y substituer, du plein gré des parties intéressées, d'autres conditions analogues, si les circonstances venaient à rendre un changement nécessaire.

Quant aux dispositions équitables et bienveillantes du Gouvernement Britannique envers les habitans de *Malacca*, et des autres établissemens Hollandois, cédés par le Traité, les Plénipotentiaires de Sa Majesté le Roi des Pays-Bas, en acceptent l'assurance avec une confiance illimitée ; et ce même sentiment les porte à ne pas insister, pour que les instructions et ordres, qui seront adressés aux Autorités Anglaises dans l'Inde, rélativement à la remise du *Fort Marlborough*, et de ses dépendances, soyent conçus en des termes tellement clairs, précis, et positifs, qu'on n'y puisse trouver aucun motif d'incertitude, ni aucun prétexte de délai ; car ils sont persuadés que Messieurs les Plénipotentiaires Britanniques, après avoir apporté tant de modération et de loyauté à l'accomplissement de leur tâche, sauront veiller à ce que le résultat des travaux communs ne soit pas compromis par égard pour des intérêts subordonnés, et des considérations sécondaires. Ce résultat, Messieurs les Plénipotentiaires Britanniques l'ont décrit eux-mêmes dans leur dernière Note, et il ne reste aux Soussignés qu'à se féliciter d'y avoir concouru, et à joindre leurs vœux à ceux de Leurs Excellences, pour que les Agens respectifs dans les Possesions Asiatiques, se montrent toujours pénétrés du sentiment des devoirs, que deux Nations, amies et animées de vûes vraiment libérales, ont à remplir, tant l'une à l'égard de l'autre, que vis à vis des indigènes, que le cours des évènemens ou les traités ont placés sous leur influence.

Les Soussignés saisissent avec empressement cette occasion de renouveller à Leurs Excellences Messieurs les Plénipotentiaires Britanniques l'assurance de leur considération la plus distinguée.

(Signé) H. Fagel.
A. R. Falck.

Londres, le 17 *Mars* 1824.

(Translation.)

THE Undersigned, Plenipotentiaries of His Majesty The King of the Netherlands, have found in the Note, which is just delivered to them by Their Excellencies the British Plenipotentiaries, a faithful recapitulation of the communications which had taken place at the time, when circumstances, independent of the will of the Negotiators, caused a suspension of their conferences.

Summoned to resume a work, the completion of which has ever been desired with equal sincerity by both Parties, the Undersigned have not failed to recognize in their Co-labourers in this work, that spirit of equity and conciliation, which facilitates the arrangement of the most complicated questions, and to which they cannot do justice at a time more fitting, than that which is about to sanction, by the signature of a formal Treaty, the Resolutions, adopted after a most strict examination, as eminently useful for the maintenance of a good understanding, even among the inferior Agents of the Contracting Powers.

This essential aim and principal tendency of the Treaty is evident to all who read its different Articles with attention. What is therein expressly stipulated ought to suffice for the removal, by common consent, of all uncertainty which might present itself in the sequel. However, as the British Plenipo-

tentiaries have considered it necessary to enter into some further details, the Undersigned, who, on their part, are sensible of the importance of leaving nothing doubtful in so important a matter, have no difficulty in following them through these details, and in supplying, by a concise display of their view of the subject, the answer which is due from them to the aforesaid Note of Their Excellencies.

The 7th Article contains an exception to the general principle of liberty of commerce. The necessity of that exception, already admitted by England in the conferences of 1820, rests upon the existence of the system which respects the exclusive Trade in Spice. Should the determinations of the Government of the Netherlands lead to the abandonment of that system, the rights of free trade will be immediately restored, and the whole of that Archipelago, which has been very justly described as comprised between *Celebes*, *Timor*, and *New Guinea*, will be open to all lawful speculations, on the footing to be established by local Ordinances, and, so far as particularly concerns the Subjects of His Britannick Majesty, in conformity with the grounds sanctioned by the Treaty for all the Asiatic possessions of the Two Contracting Powers.

On the other hand, so long as the exception in question remains in force, the Ships which traverse the Moluccas must refrain from touching at any Ports but those whereof the description has been officially communicated to the Maritime Powers some years back; except in cases of distress, in which it is superfluous to add, that they will find in all places, where the Flag of the Netherlands may be flying, those good offices and succours which are due to suffering humanity.

If the Government of Great Britain conceives it to be a real advantage, that by disengaging itself according to the principles sanctioned by the Treaty which is about to be signed, from the connections which were formed by its Agents four or five years ago, in the Kingdom of *Acheen*, it secures, by some new clause, the hospitable reception of British Vessels and Subjects in the Ports of that Kingdom; the Undersigned hesitate not to declare, that, on their part, they do not see any difficulty in it, and conceive that they may assert, at the same time, that their Government will apply itself, without delay, to regulate its relations with *Acheen*, in such a manner, that that State, without losing any thing of its independence, may offer both to the sailor and the merchant, that constant security which can only be established by the moderate exercise of European influence.

In support of the information contained in the last Note of the British Plenipotentiaries on the subject of *Bencoolen*, Their Excellencies have communicated to the Undersigned the two Conventions respectively signed on the 23d of May and the 4th of July 1818, by the Lieutenant-Governor of that Establishment, on the one side, and by the Chiefs of some neighbouring Tribes, on the other. They have likewise communicated a Despatch of the Governor-General in Council, dated *Fort William* the 9th of May 1823, and according to which the British Government has abolished at Fort Marlborough the monopoly of Pepper; encouraged the cultivation of Rice; and placed on a firm and uniform footing the relations of the different classes of Natives, as well among themselves, as with their Chiefs. But in as much as the Undersigned are not wrong in supposing that the object of these arrangements has been the security of the agricultural prosperity of the Colony, and the removal of the vexations which often result from the immediate contact of the Native population with the subordinate Authorities of a Foreign Government, they experience great satisfaction in saying, that, far from having cause to dread retroactive measures, the individuals interested in the existing order of things may, on the contrary, cherish the hope that the new Government will respect their acquired rights, and their welfare; and, what the Undersigned are above all things desirous to guarantee, that it will cause the Articles of the abovementioned Conventions to be observed, on the faith of which the Inhabi-

tants of *Pasummah*, *Ulu Manna*, and the other Colonists in the interior, have recognized the authority, or accepted the protection, of the British East India Company; saving, however, the power of substituting, with the full consent of the Parties interested, other analogous conditions, if circumstances should render a change necessary.

With respect to the equitable and benign intentions of the British Government, towards the Inhabitants of *Malacca*, and the other Dutch Establishments ceded by the Treaty, the Plenipotentiaries of His Majesty The King of the Netherlands, accept the assurance thereof with unlimited confidence; and the same sentiment prevents them from insisting that the orders and instructions which shall be addressed to the English Authorities in India, relative to the surrender of *Fort Marlborough*, and its Dependencies, should be conceived in such clear, precise, and positive terms, that no cause of uncertainty, or any pretext for delay, may be discovered in them:—being persuaded that the British Plenipotentiaries, after having accomplished their labours with so much moderation and equity, will take care that the result of their common exertions be not compromised by any regard to subordinate interests and secondary considerations. This result the British Plenipotentiaries themselves have described in their last Note, and it only remains for the Undersigned to congratulate themselves on having contributed thereto, and to unite their wishes with those of Their Excellencies, that their respective Agents in their Asiatic Possessions, may ever shew themselves sensible of the duties, which Two Friendly Nations, animated with truly liberal views, have to fulfil, both with reference to each other, and also towards the Natives whom the course of events or Treaties have placed under their influence.

The Undersigned avail themselves of this opportunity of renewing to Their Excellencies the British Plenipotentiaries, the assurance of their most distinguished consideration.

(Signed) H. Fagel.
A. R. Falck.

London, March 17, 1824.

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